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August 26, 2020

VIA ECF

Hon. James B. Clark, III, U.S.M.J.
United States District Court
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

**Re: DVL, Inc. and DVL Kearny Holdings, LLC v. Congoleum Corporation and
Bath Iron Works Corporation; U.S. District Court, District of New Jersey,
Civil Action No. 2:17-cv-04261**

Dear Judge Clark:

Please allow this letter to serve as a request by the parties in this matter to schedule a settlement conference before Your Honor. Enclosed with this letter is the Order entered by the bankruptcy court which lifted the automatic stay for purposes of a settlement conference proceeding.

The parties understand that the Court is holding September 16, 2020 at 2 PM as a date for the conference, and DVL and BIW respectfully request that the conference be scheduled for that time. Congoleum's bankruptcy counsel raised concern that Congoleum's insurer, Liberty Mutual, may not be ready to proceed on that date, and Congoleum's counsel in this action has concern with the proposed date because it still has not been approved for retention by the Bankruptcy Court. Congoleum therefore requests a status call with Your Honor in the near future to discuss its concerns and address scheduling of the settlement conference. If Your Honor does not schedule a status call, Congoleum requests that the settlement conference be scheduled for late in September. While DVL and BIW believe September 16th is far enough out to permit appropriate preparation, in the event the conference is scheduled for a later date BIW requests that the conference be held no later than September 29, 2020. There is a hearing tentatively scheduled in the bankruptcy matter on September 30, 2020 to confirm a sale of Congoleum's assets, and BIW desires to have the settlement conference prior to that hearing.

The parties also respectfully request instruction from Your Honor in regard to Your Honor's preferences relating to the conference, such as the timing, content and/or limitations for



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any written submissions, as well as whether there are any attendees expected beyond those specified in the Your Honor's Pre-Trial Scheduling Order (ECF 42). The parties also would appreciate clarification of how Your Honor has been handling such conferences with current COVID related restrictions. If the Court would like to conference on the scheduling issues or procedural issues with counsel, we of course will make ourselves available at Your Honor's convenience.

Respectfully,

/s/ Eitan D. Blanc

Eitan D. Blanc

Anthony R. Twardowski

Enclosure

Cc: All counsel of record (via ECF)

Warren Usatine, Esq. (Via E-mail)